

Appl. No. 10/825,569
Attorney Docket No.: 2004B025
Amdt. dated July 29, 2006
Reply to Office Action of May 16, 2006

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REMARKS/ARGUMENTS

This reply is in response to the Office Action dated May 16, 2006. Claims 1-31 are pending in the application for the Examiner's review and consideration and stand rejected. Applicant has amended claim 1 to recite a step of separating air, using an air separation unit, into at least two streams comprising an oxygen-containing regeneration medium and a nitrogen-containing stream. Exemplary support for this amendment can be found in the instant specification, *e.g.*, at originally-filed claim 4, and from the Patent Application paragraph 8. Additionally, Applicant has amended claim 4 to remove subject matter incorporated into newly amended claim 1. Such amendments do not add new matter. Entry of the foregoing amendment and reconsideration of the claims is respectfully requested.

CLAIMS REJECTIONS – 35 U.S.C. § 103

Claims 1-31 are rejected under 35 U.S.C. 103 (a) as being obvious over Vaughn et al. (US 6,541,415). This rejection is traversed and reconsideration requested.

"To establish a *prima facie* case of obviousness...there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference must teach or suggest all the claim limitations." (MPEP 2143).

The Office Action states that Vaughn discloses a process for regenerating a catalyst comprising contacting the catalyst with an oxygenate to form an olefin comprising ethylene and/or propylene, sending the coked catalyst to a regenerator for oxidation in an oxygen atmosphere, and re-circulation. The Examiner acknowledges that Vaughn fails to disclose an air separation unit. The Examiner further indicates that apparatus limitations are not given undue weight in the process claims. Applicants' claim 1, as presently pending, affirmatively stipulates separating air in a separation unit into at least two streams. Vaughn merely states that air may be used, but does not teach or suggest separating air. Therefore, Vaughn fails to teach or suggest all the claim limitations.

Further, one of ordinary skill in the art, at the time of Applicants' invention, would have no reason to modify and no reasonable expectation of success in achieving Applicants' invention. Accordingly, Applicants respectfully request allowance of claim 1, and any claims depending therefrom.

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CONCLUSIONS

Applicants respectfully solicit a prompt notice of allowance. Applicants invite the Examiner to telephone the undersigned attorney if there are any issues outstanding which have not been presented to the Examiner's satisfaction.

Respectfully submitted,

Date: _____

7/31/06



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